

# **Minutes**

## **1-9-12**

**TENNESSEE MOTOR VEHICLE COMMISSION  
BOARD MEETING  
JANUARY 9, 2012 10:30 A.M.  
CONFERENCE ROOM 160  
DAVY CROCKETT TOWER, 500 JAMES ROBERTSON PKWY.  
NASHVILLE, TENNESSEE 37243**

**ROLL CALL:**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>
<b>EDDIE ROBERTS</b>	<b>X</b>	
<b>REED TRICKETT</b>	<b>X</b>	
<b>GEORGE BASS</b>	<b>X</b>	
<b>WILLIAM TARR</b>	<b>X</b>	
<b>JOE CLAYTON</b>	<b>X</b>	
<b>KEVIN CULLUM</b>	<b>X</b>	
<b>DONNIE HATCHER</b>	<b>X</b>	
<b>NATE JACKSON</b>	<b>X</b>	
<b>CHAD JONES</b>	<b>X</b>	
<b>DON PARR</b>	<b>X</b>	
<b>STAN MCNABB</b>		<b>X</b>
<b>FARRAR SCHAEFFER</b>	<b>X</b>	
<b>MARK PIRTLE</b>	<b>X</b>	
<b>RONNIE FOX</b>	<b>X</b>	
<b>WADE HINTON</b>	<b>X</b>	

The Tennessee Motor Vehicle Commission Meeting was called to order by Chairman Eddie Roberts on January 9, 2012 Roll Call was taken with a total of (14) member's present.

**A Motion was made by Commissioner Wade Hinton, and seconded by Commissioner Bill Tarr, to approve the minutes from the October 10, 2011 meeting.**

**MOTION PASSED UNANIMOUSLY**

**Adopt Agenda**

**Motion was made by Commissioner Reed Trickett, and seconded by Commissioner Nate Jackson to adopt the agenda for the meeting held on January 9, 2012.**

**Motion passed unanimous.**

## **APPEALS**

The following appeals were heard by Commission.

William Lockett Jr – Toyota Knoxville, Knoxville, TN

Staff denied application

**Motion was made by Commissioner Ronnie Fox, and seconded by Commissioner Mark Pirtle to grant the license.**

## **ROLL CALL VOTE**

Eddie Roberts	Yes
George Bass	Abstain
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	No
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Kevin Cullum	Yes
Chad Jones	

**Motion passed to grant the license.**

Michael S. Buckley- Florence-White Ford, Smithville, TN

Staff denied application

NO SHOW

**Motion was made by Commissioner Nate Jackson, and seconded by Commissioner Farrar Schaeffer to uphold the denial of the license.**

## **ROLL CALL VOTE**

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Kevin Cullum	Yes
Chad Jones	Yes

**Motion passed to deny the license.**

Christopher L. Cathey-Bypass Express, Columbia, TN  
Staff denied application

**Motion was made by Commissioner Wade Hinton, and seconded by Commissioner Farrar Schaeffer to grant the license.**

**ROLL CALL VOTE**

Eddie Roberts	Abstain
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Kevin Cullum	Yes
Chad Jones	No

**Motion passed to grant the license.**

Jason Vacek- Suzuki of Nashville, Nashville, TN  
Staff denied application

**Motion was made by Commissioner Chad Jones, and seconded by Commissioner Reed Trickett to uphold the denial of the license.**

**ROLL CALL VOTE**

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Kevin Cullum	Yes
Chad Jones	Yes

**Motion passed to deny the license.**

Lawrence G. Carlton- Nissan of Rivergate, Madison, TN  
Staff denied application

**Motion was made by Commissioner Farrar Schaeffer, and seconded by Commissioner Nate Jackson to grant the license.**

**ROLL CALL VOTE**

Eddie Roberts	No
George Bass	No
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Kevin Cullum	Abstain
Chad Jones	No

**Motion passed to grant the license.**

Ryan Wiggins- Barry Alexander Automotive, LLC, Franklin, TN  
Staff denied application

**Motion was made by Commissioner George Bass, and seconded by Commissioner Donnie Hatcher to grant the license.**

**ROLL CALL VOTE**

Eddie Roberts	No
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Abstain
Kevin Cullum	Yes
Chad Jones	Yes

**Motion passed to grant the license.**

R & R Auto Sales, Morristown, TN  
Staff denied application

**Commission told Mr. Reece there was no appeal since he had been denied, and another Dealership had opened at that location.**

HOVA Auto Sales & Repairs, Nashville, TN  
Staff denied application

**Motion was made by Commissioner Wade Hinton, and seconded by Commissioner Reed Trickett to deny the license.**

**ROLL CALL VOTE**

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Kevin Cullum	Yes
Chad Jones	Yes

**Motion passed to deny the license.**

**DIRECTORS REPORT**

Since the last Commission meeting in October, 2011 the following actions have been taken:

Dealers Opened, or Relocated .....84

Active Licensees as of January 1, 2012

Dealers.....	3879
Applications in Process.....	38
Distributions/Manufacturers .....	160
Auctions.....	30
Representatives.....	485
Salespeople.....	13080
Dismantlers.....	338
RV Dealers.....	22
RV Manufacturers.....	51

Motor Vehicle Show Permits Issued Since October 2011, ...4  
Revenue Received \$ 800.00

**Motion was made by Mark Pirtle, and seconded by Commissioner George Bass to approve the Directors Report.**

**Old Business**

Check with the Department of Revenue to give more portals for the Investigators to share.

**New Business**

The Motor Vehicle Commission was asked by the Executive Director to make a Policy to recommend an inspection be made at each Dealership at the minimum every other year.

**Motion was made by Commissioner Donnie Hatcher, and seconded by Commissioner Don Parr to make such a Policy.  
Unanimous Voice Vote.**

**Motion was made by Commissioner Chad Jones, and seconded by Commissioner Bill Tarr that the Motor Vehicle Commission goes on record to establish a Policy that at a minimum every Licensed Motor Vehicle Dealer is to be inspected biennially.**

**ROLL CALL VOTE**

Eddie Roberts	Yes
George Bass	Yes
Ronnie Fox	Yes
Don Parr	Yes
Nate Jackson	Yes
Donnie Hatcher	Yes
Farrar Schaeffer	Yes
Wade Hinton	Yes
Bill Tarr	Yes
Reed Trickett	Yes
Mark Pirtle	Yes
Joe Clayton	Yes
Kevin Cullum	Yes
Chad Jones	Yes

**Motion passed unanimously to establish this Motor Vehicle Commission Policy.**

**Legal Report**

**Case No: 2011027051**

Respondent was issued an Agreed Citation in the amount of One Thousand Dollars (\$1,000.00) after a Notice of Violation was sent from Investigator Kelly regarding failure to maintain a temporary tag log, failure to maintain regular posted business hours, and failure to maintain business records (no vehicle titles). This Citation was the result of a

routine inspection of Respondent's business premises conducted by Investigator Kelly on or about October 4, 2011. Respondent sent a response, contesting the citation, stating that it does not agree and admit to the violations that occurred October 4, 2011, due to a language barrier. Respondent stated it never had any violations since it has been in business and that it has a dealership program for maintaining the temporary tag log, which was shown to the Investigator. It also stated that some titles were at auction because some are not ready when the vehicles are purchased. It stated it has a bookkeeper who maintains the business records, and lastly that the reason the business hours were not posted was because the sign came off but has been put back on. This particular response is unsatisfactory to this office. Citation remains unpaid.

**Recommendation: Authorization for a civil penalty in the amount of One Thousand Dollars (\$1,000.00) to be settled by Consent Order or Formal Hearing.**

**Commission Action: Civil penalty increased to One Thousand Five Hundred Dollars (\$1,500.00).**

**Case No: 2011026791**

Complainant alleged he purchased a vehicle from Respondent/dealer and was given the Bill of Sale to someone else's purchase. Complainant alleged Respondent issued him a temporary tag for the vehicle in question. This office received a temporary tag issued to Complainant for the vehicle in question, with an issue date of August 26, 2010 and an expiration date of September 28, 2011 (approximately 1 year span). Respondent dealer denied having sold Complainant the vehicle at all, and Complainant alleged that a few days after he purchased the vehicle, he received phone calls stated that the vehicle Complainant purchased had been sold to someone else and Complainant needed to return the vehicle. Respondent then repossessed the vehicle in question. An investigation was initiated, and it was found that Complainant had been making proper payments on the vehicle, and the receipts for payment were signed by an alleged salesperson for Respondent. It was also found that the temporary tag issued to Complainant was a fake tag, as the serial number and barcode on it were in green type, instead of the normal black type. In addition, the Investigator found three (3) different vehicles parked at Respondent's location, all having the same temporary tag, with the same serial number as the tag issued to Complainant. All three of these tags were also fake. So, basically, Respondent is issuing bogus temporary tags to Consumers, all with the exact same serial number. Even after investigation Respondent denied selling the vehicle in question to Complainant, stating that the problems were due to the previous owner who allowed an individual and his body shop to repair salvage vehicles, and while they were rebuilding the vehicles, this individual would sell the cars and receive commission from Respondent. Respondent said what appeared to have happened in this case is that the vehicle was sold to two different people and a Bill of Sale was never completed. However, the vehicle was sold during the time when the current owner had taken over the business. None of the individuals who claimed to have a right to the vehicle had a Bill of Sale or any documentation to prove it. Respondent claimed to not have any dealings with the individual at the body shop who was selling cars on behalf of Respondent. In addition, the temporary tag that was issued to Complainant was actually purchased and



owned by a different dealership, so Respondent had no rights to it. Respondent sold the vehicle in question on a salvage title and didn't receive the Salvage Certificate until approximately 6 months later. Respondent's temporary tag log was also not properly maintained, as none of the permit numbers in the log were in the same series as the one issued to Complainant. When questioned, the individual at the body shop who was selling vehicles stated he did not remember the transaction between himself and the Complainant. The individual claimed he does not know anything about the vehicles parked at his shop.

**Recommendation: Authorization for a civil penalty in the amount of Eighty Eight Thousand Dollars (\$88,000.00) to be settled by Consent Order or Formal Hearing. {Failure to Maintain Business Records=\$67,500.00; Issued a fake temporary tag \$5,000.00 x 4 tags=\$1,000.00}. Forward to DA's office for possible criminal prosecution.**

**Commission Action: Summary Suspension.**

**REVIEW COMMITTEE**

The Review Committee advised the Commission that the Committee had discussed the attached legal report with counsel and moved that the Commission adopt the attorney's recommendations.

**Motion was made by Commissioner, Chad Jones and seconded by Commissioner Bill Tarr to approve these recommendations made by the Review Committee.**

**Motion passed unanimous.**

**Motion made to adjourn was made Donnie Hatcher, and seconded by Nate Jackson.**

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**Eddie Roberts, Chairman**

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**Leon Stribling, Executive Director**